

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GREGORY C. MASON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
ALLSTATE INSURANCE COMPANY,	)	
	)	
Defendant.	)	
	)	

---

**NOTICE OF REMOVAL**

TO: The Judges of the United States District Court for the Northern District of Georgia

The Defendant, Allstate Insurance Company, respectfully shows the Court the following:

1.

A civil action has been brought against the Defendant in the State Court of Gwinnett County, State of Georgia, by the above named Plaintiff, said action being designated as Civil Action No. 21-C-06192-S6. Said action seeks recovery of damages, penalties, and attorney's fees in an amount, although not specifically enumerated in the Complaint, in excess of \$75,000.00. The conclusion that the

amount in controversy in this action is in excess of \$75,000.00 is based on the following known facts and calculations:

- a) The Sworn Statement In Proof Of Loss submitted by Plaintiff, which forms the foundation of Plaintiff's claim against Allstate, demands payment from Allstate in the amount of \$161,623.02.
- b) Additionally, and separate and apart from their claim for damages under the subject policy of insurance, Plaintiff seeks an award of bad faith penalties and attorney's fees pursuant to O.C.G.A. § 33-4-6 (Plaintiff's Complaint, ¶¶ 12-14).

2.

The Plaintiff is now, and was at the commencement of this suit and at all times since, a citizen and resident of the State of Georgia.

3.

The Defendant, Allstate Insurance Company, an Illinois corporation, is now, and was at the time of the commencement of this suit and at all times since, a corporation organized and existing under the laws of the State of Illinois, having its principal place of business in Northbrook, Illinois.

4.

The Defendant attaches hereto a copy of the Summons and Complaint (as served on the Defendant) filed in the State Court of Gwinnett County, Georgia marked as Exhibit “A,” and a copy of Allstate Insurance Company’s Answer to Plaintiff’s Complaint marked as Exhibit “B”.<sup>1</sup>

5.

Now, within thirty (30) days after receipt of the Summons and Complaint, Defendant Allstate Insurance Company files this its Notice of Removal of said action to this Court.

6.

This action is removable by reason of diversity of citizenship of the parties and the fact there is more than \$75,000.00 in controversy, exclusive of interest and costs.

WHEREFORE, the above-named Defendant, Allstate Insurance Company, files this its Notice of Removal of said cause to this Court.

---

<sup>1/</sup> Discovery documents have also been filed in the State Court action. But, as Allstate understands the Federal Rules and this Court’s Rules (L.R. 26.4), discovery materials are not pleadings and are not to be filed unless and until needed as evidence in the action. Therefore, discovery materials are not being filed with this Notice of Removal.

Respectfully submitted this 30<sup>th</sup> day of September, 2021.

WEBB, ZSCHUNKE, NEARY,  
& DIKEMAN, LLP

By: /s/ Marvin D. Dikeman  
MARVIN D. DIKEMAN  
Georgia State Bar No. 221760  
MELISSA C. MCMULLEN  
Georgia State Bar No. 187560

***Attorneys for Defendant Allstate  
Insurance Company***

One Ameris Center, Suite 1210  
3490 Piedmont Road, N.E.  
Atlanta, GA 30305  
Telephone: 404.264.1080  
Telecopier: 404.264.4520  
mdikeman@wznd.net  
mmcmullen@wznd.net

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing **NOTICE OF REMOVAL** (prepared in Times New Roman 14 point font) with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorney of record:

David L. Boohaker, Esq.  
McDonald Law Firm, P.C.  
3100 W. 7<sup>th</sup> Street, Suite 230  
Fort Worth, TX 76107

This 30<sup>th</sup> day of September, 2021.

By: /s/ Marvin D. Dikeman  
MARVIN D. DIKEMAN  
Georgia State Bar No. 221760

***Attorney for Defendant Allstate  
Insurance Company***

**WEBB, ZSCHUNKE, NEARY & DIKEMAN, LLP**  
One Ameris Center, Suite 1210  
3490 Piedmont Road, N.E.  
Atlanta, GA 30305  
Telephone: 404.264.1080  
Telecopier: 404.264.4520  
mdikeman@wznd.net